The City Council of the City of Raleigh met in a regular session on Tuesday, September 18, 1984, at 1:00 p.m. in the City Council Chamber of the Municipal Building, 222 West Hargett Street, with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton - Absent and Excused
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by Dr. Thomas A. Collins, St. Mark's United Methodist Church, after which the following matters were discussed with action taken as shown. Mayor Upchurch indicated, during the September 4 meeting, Mr. Congleton had asked to be excused from this meeting. Without objection, Mr. Congleton was excused from the meeting.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION - UNITED WAY FAMILY DAY - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming Saturday, September 29, as United Way Family Day in the City of Raleigh. The proclamation was accepted by Thad Woodard, Wake County Campaign Chairman, and Sharon C. Larkins, Campaign Director of United Way.

CERTIFICATE OF APPOINTMENT - PRESENTED

Mayor Upchurch explained the Certificate of Appointment presentation and presented a certificate to Jessie Cannon as a member of the Human Resources and Human Relations Advisory Committee.

VOLUNTEER OF THE MONTH - BETH CRABTREE HONORED

Mayor Upchurch explained the Volunteer of the Month Program and recognized Beth Crabtree as the Volunteer of the Month. He explained Ms. Crabtree's activities involving preserving the history and the heritage of Raleigh and Wake County through talks and one-on-one exchanges, etc. In accepting this certificate, Ms. Crabtree indicated she is happier about Raleigh than she ever has been as she feels that the Raleigh City Council has turned the City around and we are going places.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. He explained if a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately, pointing out the vote on the Consent Agenda will be a roll call vote.

Mr. Walters requested that the item relating to Shelley Park Playground be withdrawn. Ms. Block requested that Bid Request 84-22 be withdrawn. Without objection, these items were withdrawn from the Consent Agenda. Mr. Calloway moved Administration's recommendations on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - REDS AND TRICE'S SUPPER CLUB - APPROVED

This is a privilege license application for "Reds," located at 3321 North Boulevard. The owner, Charles Donald Hughes, is the individual making application. City Code Section 2-2032(2), (3) and (5), and City Code Section 12-2118(2), require City Council approval before a license may be issued for a dance hall, private club with live entertainment, classified as a class one entertainment center. Police and Inspections reports indicate approval.

Recommendation: Administration recommends approval of this privilege license application.

This is a privilege license application for "Trice's Supper Club," located at 1969 Rock Quarry Road. The owner, Leroy Trice, is the individual making application. City Code Section 2-2032(2), (3) and (5), and City Code Section 12-2118(3), require City Council approval before a license may be issued for a dance hall, public club with live entertainment, classified as a class two entertainment center. Police and Inspections reports indicate approval.

Recommendation: Administration recommends approval of this privilege license.

Consent Agenda approval: Calloway/Cates - 7 ayes.

COMMUNITY DEVELOPMENT - PUBLIC HEARING AUTHORIZED

It is necessary to have a public hearing to assess the past year's performance of the Community Development program and receive citizen comment.

Recommendation: That the Council authorize a public hearing for the first Council Meeting in October to receive citizen comment on the past year's activities of the Community Development program. Consent Agenda approval: Calloway/Cates - 6 ayes.

BANKING SERVICE - FACSIMILE SIGNATURES - RESOLUTION ADOPTED

The City's bank, Branch Banking & Trust Company, has requested that the City adopt a resolution relieving the bank from any responsibility in the event that the check signing facsimile signature plate of the Finance Director might be misused or stolen. Their request is simply one of protecting the bank if something like this occurs. Of course, the bank in any event remains responsible to protect against endorsement forgery. Included in the Council Members' Agenda packet was a resolution.

Recommendation: That the Council authorize the Finance Director to execute the statement authorizing facsimile signatures. Consent Agenda approval: Calloway/Cates - 7 ayes.

RESOLUTION NO. (1984) 614

RESOLUTION AUTHORIZING FACSIMILE SIGNATURES

TO: Branch Banking and Trust Company
Raleigh, North Carolina

I, Z. Bryan Hill, do hereby certify that I am duly appointed and qualified Finance Director of the City of Raleigh, a corporation ("City") duly organized and existing under the laws of the State of North Carolina and that I was appointed to that position at a meeting of the City Council of said corporation ("City") held on the 1st day of January, 1973, at which a quorum was present.

RESOLVED that Branch Banking and Trust Company ("Bank") as a designated depository of funds of the City is hereby requested, authorized and directed to honor checks, drafts or other orders for the payment of money drawn in the City of Raleigh's name, including those payable to the individual order of any person or persons whose name or names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature of Z. B. Hill. The bank shall be responsible for protection against endorsement forgery in all cases.

FURTHER RESOLVED that the City assumes full responsibility and holds harmless the Bank for any and all payments made or any other actions taken by the Bank in reliance upon the signatures, including facsimiles thereof, of any person or persons designated above regardless of whether or not the use of the facsimile signature was unlawful or unauthorized and regardless of by whom or by what means the purported signature or facsimile may have been affixed to any instrument if such signatures reasonably resemble the specimen or facsimile signatures as provided to the Bank, or for refusing to honor any signatures not provided to the Bank, and that the City agrees to indemnify the Bank against any and all claims, demands, losses, costs, damages or expenses suffered or incurred by the Bank resulting from or arising out of any such payment or other action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said corporation this 19th day of September, 1984.

MUNICIPAL BUILDING SECURITY - RETENTION OF PART-TIME PERSONNEL APPROVED - FUNDS APPROPRIATED

When public meetings are held in the new Municipal Building after normal working hours, it is essential to have staff personnel available for security purposes and prevention of vandalism. This is especially essential with the display of art. It is, therefore, requested that we retain security guard personnel to work during those periods when meetings are held in the building after normal working hours.

Recommendation: The Council approve retention of part-time security personnel, approve a transfer in the amount of $2,600 from contingency to a salary account to cover this personnel expense and authorize entering into appropriate contracts. Consent Agenda approval: Calloway/Cates - 7 ayes. See Ordinance 412 TF 5.

GLEN EDEN PARK - CP&L EASEMENT - APPROVED

Carolina Power & Light Company has requested an easement for construction of an electrical service necessary to serve the improvements planned for Glen Eden Park. Included in the Council Members' Agenda packet was the proposed easement.

Recommendation: That City Council approve granting of the easement to CP&L. Consent Agenda approval: Calloway/Cates - 7 ayes.

PRIVILEGE LICENSE - REQUEST FOR REFUND - APPROVED

Ms. Judy Hambright, representing "Lake Boone Camera Store," located at 1641 North Market Drive, is requesting a refund of $340.00 for the 1983-84 and 1984-85 privilege license years. The reason for this request is that this location is located outside

the City Limits. A request of this nature requires City Council approval before issuance of a refund.

Recommendation: It is recommended that the request for refund be approved. Consent Agenda approval: Calloway/Cates - 7 ayes.

BUDGET AMENDMENT - FIRE DEPARTMENT - APPROVED

The Agenda presented a budget amendment in the amount of $876.13 in the Fire Department to place money received for payment of damages to Engine 16 into the proper M & O expenditure account. The Agenda outlined the revenue and expenditure accounts that would be affected and recommends approval. Consent Agenda approval: Calloway/Cates - 7 ayes.

ORDINANCE NO. (1984) 411

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/1985 budget be amended as follows in order to place money received for payment of damages to Engine 16 into the M&O expenditure account:

Revenue:	01-1-0070-0200	Miscellaneous	$876.13
Expense:	01-2-4110-0233	M&O	$876.13

Adopted: 9/18/84

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of Administrative transfers which have been authorized by the City Manager according to Council procedure. Concurrence with the Manager's action is recommended. Consent Agenda approval: Calloway/Cates - 7 ayes. The transfers were as follows:

FROM	TO	AMOUNT
01-2-1130-0226	01-2-1120-0705	$200.00
01-2-5050-0225	01-2-5050-0703	$522.50
01-2-5020-0260	01-2-5020-0717	$197.02
38-2-1000-0100	38-2-2010-0104	$375.05
01-2-1030-0277	01-2-1030-0100	$260.00
18-2-1000-0235	18-2-1000-0706	$450.00
01-2-1040-001	01-2-1100-0265	$167.43
43-2-6000-0100	43-2-6200-0200	$475.75
37-2-1000-0100	37-2-3430-0210	$400.00
02-2-4390-0226	02-2-4390-0265	$ 40.60
02-2-4390-0267		$100.00
02-2-4390-0266		$ 24.75

TRANSFERS - VARIOUS DEPARTMENTS - ORDINANCE ADOPTED

The Agenda presented a transfer in the Public Utilities Department in the amount of $1,700 to cover car allowance for the rest of the fiscal year. The Agenda outlined the code accounts that would need to be amended. Administration recommends approval. Consent Agenda approval: Calloway/Cates -7 ayes.

ORDINANCE NO. (1984) 412 TF 5

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985,, be transferred from one account as permitted and authorized by the General Statutes of North Carolina,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 06-2-7040-0701	Pipe & Fittings	$ 1,700.00
To 06-2-7100-0237	Car Allowance	1,700.00
Purpose: To cover car allowance for remainder of fiscal year.		
From 01-2-1040-0001	Contingency	$ 2,600.00
To 01-2-5050-0100	Salary	2,600.00
Purpose: To fund contract for part-time security personnel for Municipal Building.		
From 37-2-1000-0100	Council Reserve	$10,000.00
To 37-2-1801-0100	Cedar Hills/Frisbee	10,000.00
Purpose: To fund Frisbee Gold Course at Cedar Hills Park.		

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Council Contingency	$10,000.00
To 43-2-4050-0106	Zuchelli Hunter	10,000.00
Purpose: To fund extension of Zuchelli Hunter Contract - City Market - UDAG.		
From 37-2-1600-0100	Shelley Sertoma	$28,532.00
From 37-2-1090-0300	Grounds Maintenance	14,751.00
To 37-2-1600-0105	Shelley Sertoma Playground	43,283.00
Purpose: Shelley Sertoma Playground construction.		

Adopted: 9/18/84

BID REQUEST 84-17 - THIRTY-CHANNEL RECORDING SYSTEM - BID AWARDED TO MAGNASYNC/ MOVIOLA CORPORATION

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on August 23, 1984, for a thirty-channel recording system with results as follows: Magnasync/Moviola Corporation - $27,150; Dictaphone Corporation - $34,792. Administration recommends the low bid submitted by Magnasync/Moviola Corporation be awarded. Consent Agenda approval: Calloway/Cates - 7 ayes.

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in the traffic code relating to channelization changes on Martin Street at McDowell Street as well as traffic control/stop and yield signs on various streets. Administration recommends approval of code changes as outlined. Consent Agenda approval: Calloway/Cates - 7 ayes.

ORDINANCE NO. (1984) 413

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 2, entitled "STOP SIGNS," be amended by adding the following:

Bucksport Lane at Village Grove Road
Bucksport Lane at Wilderness Road
Chippenham Court at Wilderness Road
Sawmill Road at Wilderness Road
Village Grove Road at Wilderness Road

Section 2. That Traffic Schedule No. 3, entitled "YIELD SIGNS," be amended by adding the following:

Taymouth Court at Village Grove Road

Section 3. That Traffic Schedule No. 6C10, entitled "CHANNELIZATION," be amended by adding the following:

Martin Street at McDowell Street, west approach

Section 4. That Traffic Schedule 6D6, entitled "CHANNELIZATION," be amended by deleting the following:

Martin Street at McDowell Street, west approach

Section 5. That Traffic Schedule No. 13, entitled "NO PARKING," be amended by adding the following:

Martin Street, south side, from McDowell Street, westward 97 feet

Amend said schedule further by deleting the following:

Martin Street, south side, from McDowell Street, westward 200 feet

Section 6. That all laws and clauses of laws in conflict herewith are hereby repealed to the extend of such conflict.

Adopted: 9/18/84

Effective: 9/25/84

END OF CONSENT AGENDA

SHELLEY PARK PLAYGROUND - BID AWARDED TO J. C. EDWARDS CONTRACTING AND ENGINEERING - FUNDS APPROPRIATED

Bids were advertised twice for the construction of a playground area at Shelley Sertoma Park. Only one bid was received and it was from J. C. Edwards Contracting and Engineering Company in the amount of $43,283.

The high costs are caused by the site constraints and close working area for the builder. Other sites were considered but rejected because of disagreement among groups concerned with the park.

Recommendation: That City Council approve the bid as submitted and the following transfer of funds:

From:		
37-2-1600-0100	Shelley Sertoma	$28,532
37-2-1090-0300	Ground Maintenance	14,751
		$43,283
To:		
37-2-1600-0105	Shelley Sertoma Playground	$43,283

Mr. Walters indicated there has been a lot of confusion about this playground and its location and he would like for the City Manager to explain, pointing out the bid was rather high, and there seems to be a lot of confusion on the part of City Council members as to the location, etc. City Manager Benton indicated the item was referred to Administration to prepare and solicit bids. He indicated one of the big costs involved in this project is the site preparation, with Mr. Walters questioning if there were additional sites.

Discussion took place as to whether this has been approved by the Master Plan Committee and the Parks and Recreation Advisory Board and discussions that have taken place relative to sites. City Manager Benton indicated this has gone through the Parks and Recreation Advisory Board and the Master Plan Committee; however, the bid is not within the budget. Therefore, Administration is recommending a transfer and award of the bids. Mr. Walters indicated Mr. Congleton had had some problems with this, and he would like to hold it, with Ms. Babb pointing out she is ready to go ahead with this item unless Council members have some specific questions. Mr. Walters questioned why we are spending so much for site preparation. John Hoppe, representing the Parks and Recreation Department, indicated the initial funding for the playground was $28,000. He indicated this particular site is expensive as it is a very close, tight site, and there are a lot of construction costs in order to prepare the site. He stated the location was made by the Committees working together. He pointed out there were two sites on the Master Plan for the playground and one is in a pecan tree grove. He stated that is a relatively flat site and would not require as much site preparation as the one proposed. He stated, however, this is the site that the Committee chose.

After other discussion, Ms. Babb moved that the bid be awarded to J. C. Edwards Contracting and Engineering and the transfer, as outlined on the Agenda, authorized. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 412 TF 5.

BID REQUEST 84-22 - SALE OF APPROXIMATELY 25,000 BUSHELS OF CORN - BID AWARDED TO PATETOWN MILLING COMPANY, INC.; POLICY ON SALE OF FARM PRODUCTS - REFERRED TO PUBLIC WORKS COMMITTEE

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on September 13, 1984, for the sale of approximately 25,000 bushels of corn. It was pointed out the estimated revenues are based on anticipated yield, and actual revenue will not be known until after each harvest. The result of the bid request was as follows: Patetown Milling Company, Inc. - $74,000; Gurley's, Inc. - $70,000.

Ms. Block indicated she was concerned about this sale and had had lengthy discussions with the City Manager. She stated, at this point, she would recommend approval of Administration's recommendation to award the bid to Patetown Milling Company, Inc., but refer the means of sale of future farm products to the Public Works Committee. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SPECIAL ITEMS

REZONING Z-88-84 - WAKE FOREST ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

Council Members received in their Agenda packet a copy of CR-5180 from the Planning Commission relating to this rezoning. During the August 7, and September 4, 1984, Council Meetings, it was agreed to place this item on this Agenda for consideration.

Mr. Walters indicated he got some of the people involved in this case together yesterday, and he believes there is something that could be worked out that would be good for the developer, the neighborhood and the City as a whole. Therefore, he would like to hold this item and would request that it be referred to the Law and Finance Committee to give him a couple of weeks to work on the traffic problem. He indicated he hated to delay this any further, but when something could be worked out for the good of all, he feels it should be delayed. Therefore, Mr. Walters moved that Rezoning Z-88-84 be referred to the Law and Finance Committee. His motion was

seconded by Ms. Cates. Ms. Block indicated she really did not see the merits of this case and felt that the Council should go ahead and take action. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted.

REZONING Z-101-84 - NORTH PERSON STREET - APPROVED - ORDINANCE ADOPTED

During the September 4, 1984, Council Meeting, the Law and Finance Committee recommended that the Planning Commission's recommendation of adding approximately 19,300 square feet to the Historic District overlay zoning district be approved. No action was taken on the recommendation except to direct that it be placed on this Agenda for consideration.

Mr. Walters moved the Law and Finance Committee's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 414 ZC 146

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Fox Road, west side, between Spring Forest Road and Louisburg Road, being Parcel 96, Tax Map 354; and a portion of Parcel 12, Tax Map 355, approximately 84 acres rezoned to Residential-10 district, according to a map on file in the City of Raleigh Planning Department. (Z-93-84)

(b) New Hope Road, west side, between U.S. 64 East and Willow Oak Road, beginning 500 feet north of U.S. 64 East and extending north 500 feet; being a portion of Parcel 7, Tax Map 498, approximately 7.7 acres rezoned to Industrial-I district, according to map on file in the City of Raleigh Planning Department. (Z-96-84)

(c) North Person Street, east side, between East Edenton Street and East Jones Street, being Parcels 2 and 3, Block A-75, Tax Map A-31, approximately 19,300 square feet added to the Historic District Overlay Zoning District.

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption, September 18, 1984.

Adopted: 9/18/84

Effective: 9/18/84

REQUESTS AND PETITIONS OF CITIZENS

EASEMENT EXCHANGE - 8501 BANNISTER COURT - APPROVED CONDITIONALLY

Anderson Marlowe had requested permission to discuss an easement exchange at 8501 Bannister Court. Mr. Marlowe was not at the meeting. City Manager Benton indicated this is located in the Thorpshire area and involves a sanitary sewer and a storm easement extending along the property owned by Mr. Marlowe. He indicated Mr. Marlowe has encroached on the sewer easement on Lot 13 and is requesting an exchange of easement.

Brief discussion took place as to whether this was a storm sewer or a sanitary sewer, with City Manager Benton indicating storm sewer easements are unique and must have concurrence from others involved, after which, Mr. Walters moved that the easement exchange be authorized subject to approval of the City Manager and City Attorney. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

MORDECAI HISTORIC PARK - SALE OF HANDICRAFTS ON OCTOBER 28, 1984 - APPROVED

Sally B. Cooke, representing the Mordecai Historic Park, was at the meeting indicating they are requesting permission to allow craftsmen that come to the Plantation Harvest Sale on Sunday, October 28, 1984, to be able to sell their goods on the park site. She pointed out this is a one-time thing, and the Mordecai Park is zoned Residential-10. She explained they will be charging the people a fee for selling their wares, and that fee will be used in connection with the work at the park. Ms. Block questioned if all of these are homemade crafts, with Ms. Cooke indicating that is correct. Mr. Walters moved approval of the request as presented. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

NORTH CAROLINA HOUSING FINANCE AGENCY - BASHFORD ROAD AREA - RESOLUTION ADOPTED

John D. Bullock, 6014 Duraleigh Road, was at the meeting to request the Council to adopt a resolution approving the participation of the North Carolina Housing Finance Agency in the financing of a housing project to be located in the Bashford Road area. Mr. Bullock indicated he had submitted Council members information on the project. City Manager Benton indicated this involves a 125-unit complex to be developed on twenty-five acres zoned Residential-6. He stated it involves an unsubsidized project; therefore, it would be exempt from the City's scattered site policy. He stated Administration has no objection. Ms. Babb moved adoption of the resolution as requested. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 615

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of low and moderate (as defined by the Agency) described below and located at Bashford Road in the City of Raleigh is hereby requested and approved pursuant to G.S. 122A-5(1):

Description of Proposed Project:

25 acres of land on Bashford Road
See attached map.

This resolution will take effect upon its passage. Thereupon, upon motion of Sandra Babb, seconded by Rev. Arthur Calloway, the foregoing resolution was passed by the following vote:

Ayes: Mayor Upchurch, Rev. Arthur Calloway, Edward Walters, Walter Keller, Miriam Block, Mary Cates, Sandra Babb

Noes: None

GOVERNOR'S RUN FOR FUN AND HEALTH - OCTOBER 10, 1984 - APPROVED WITH CONDITION

Meredith Cosby, representing the Governor's Council on Physical Fitness and Health, was at the meeting to request permission to conduct the Seventh Annual Governor's Run for Fun and Health on October 10, 1984. She stated the race normally begins at 5:15, and it is a one and one-fourth mile course in the Oakwood area. City Manager Benton indicated this is an annual event, and the State Capital Security Force will share the work of monitoring the intersections, crowd control, etc., and with that understanding, the Police Department feels that they will be able to handle it with on-duty Police Officers. He pointed out Administration has no objection to the race and utilization of City streets provided, however, that the race is conducted in such a manner that would allow for the transit bus route which use these streets to be allowed to continue during the race activities. Mr. Calloway moved approval of the request with the condition outlined by the Manager. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

STREET IMPROVEMENT - JOE LEWIS SUBDIVISION - REFERRED TO PUBLIC WORKS COMMITTEE

Attorney Joy Hamilton, West Millbrook Road, was at the meeting representing Mr. and Mrs. Charles H. Cross. She indicated her clients have owned property in this subdivision, which is located off Rock Quarry Road, for a number of years. She indicated part of the property they own are lots that are on unimproved streets but have water and sewer lines installed. She indicated she was at the meeting to ask the City to review this subdivision development with the idea in mind of looking toward opening these unimproved streets. She stated the Crosses do have offers to sell these properties; however, they must have street access. She indicated the streets involved include Sicily, a portion of Malta and Beauty Avenues. Without further discussion and without objection, Mayor Upchurch referred the matter to the Public Works Committee.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it will be considered in the same manner as the regular Consent Agenda. He pointed out the items were marked on the Consent Agenda to indicate which items are located within flood prone areas and which fall within the Falls Basin. Ms. Block requested that CR-5150 (SC-239), CR-5230 (S-134-84), CR-5248 (Advertisement for Hearing), CR-5250 (Z-81-84) and CR-5252 (Z-96-84) be withdrawn. Ms. Cates requested that CR-5232 (Z-137-84) and CR-5244 (SC-251) be withdrawn. Ms. Babb indicated she did not want to pull an item; however, CR-5229 (S-133-84 and SC-256) are projects her husband is

involved in; therefore, she would like to be excused from voting in those matters. Without objection, the items, as requested, were pulled from the Consent Agenda, and Ms. Babb was excused from voting on the items requested. Mr. Calloway moved the Planning Commission's recommendations on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

S-129-84 - BADGER F. PARTIN PROPERTY - APPROVED

This was a request for approval to subdivide a 12.91 acre site which is currently undeveloped into two (2) lots - Lot 1, 9.02 acres, zoned Industrial-I; Lot 2, 3.89 acres, zoned Residential-6.

The property is located on the northwest corner of US 64 and Freedom Drive, outside the City Limits.

CR-5225 from the Planning Commission recommended that this request be approved according to a map entitled, "Badger F. Partin Property," the property of Badger F. Partin, drawn by Warrick Engineering and Surveying, dated August 27, 1984. Consent Agenda approval: Calloway/Babb - 7 ayes.

S-130-84 - FOX RUN DEVELOPMENT PROPERTY - APPROVED

This was a request for approval to subdivide a 0.92 acre tract which is currently undeveloped into two (2) parcels, zoned Residential-4.

The property is located on the south side of Millbrook Road, just west of Falls of the Neuse Road, inside the City Limits.

CR-5226 from the Planning Commission recommended that this request be approved according to a map entitled, "Fox Run Development Property," the property of Fox Run Development Corporation, drawn by Walter B. Bunn, dated January 9, 1980. Consent Agenda approval: Calloway/Babb - 7 ayes.

S-131-84 - LYNN ROAD CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to develop a 120-unit condominium project (consisting of 14 buildings) on 13.07 acres, zoned Residential-10 (12.2 acres) and Conservation/Buffer (0.87). The site is currently developed with some unknown buildings which will be removed.

The property is located on the south side of Lynn Road, between Six Forks Road and Leadmine Road, inside the City Limits.

CR-5227 from the Planning Commission recommended that this request be approved according to a map entitled, "Lynn Road Condominiums," the property of the Calibre Company of North Carolina, Incorporated, drawn by Little and Little, dated August 28, 1984, with the following conditions: (1) That the existing structures be removed prior to issuance of building permits; and (2) that the grave sites be relocated outside the new right-of-way prior to issuance of building permits. Consent Agenda approval: Calloway/Babb - 7 ayes.

S-132-84 - FAIRVIEW CONDOMINIUM CONVERSION - APPROVED

This was a request for approval to convert an existing six-plex into condominiums on 1.12 acres, zoned Residential-6.

The property is located at the southwest side of Athens Drive, just west of the Beltline, inside the City Limits.

CR-5228 from the Planning Commission recommended that this request be approved according to a map entitled, "Fairview Condominium Conversion," the property of Judith Floyd, drawn by Bass, Nixon and Kennedy, dated July, 1984. Consent Agenda approval: Calloway/Babb - 7 ayes.

S-133-84 AND SC-256 - BRITTANY WOODS ADDITIONS - APPROVED WITH CONDITION

This was a request for approval to subdivide and construct 11 additional townhouse units on a 35.9 acre tract, zoned Residential-6 (27.13 acres), Shopping Center (8.48 acres), and Residential-4 (0.31 acre). The site is developing as a 231-unit townhouse development.

The property is located at the southern corner of Leesville Road and Glendower Road, outside the City Limits.

CR-5229 from the Planning Commission recommended that this request be approved according to a map entitled, "Brittany Woods Additions," the property of Edd K. Roberts, drawn by Barrett Kays and Associates, dated August 14, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office (if revisions are necessary) prior to recording the final plats for these units. Consent Agenda approval: Calloway/Babb - 6 ayes (Ms. Babb excused from participation during vote on Consent Agenda).

S-136-84 - BRAGG STREET DEVELOPMENT - APPROVED

This was a request for approval to subdivide a 6.7 acre tract which is currently vacant into 21 lots, zoned Residential-20.

The property is located on the east side of Garner Road, between McMakin and Bragg Streets, inside the City Limits.

CR-5231 from the Planning Commission recommended that this request be approved according to a map entitled, "Bragg Street Development," the property of John W. Winters, Sr., drawn by Jay Gillece and Larry Chasak, revised date August 29, 1984. Consent Agenda approval: Calloway/Babb - 7 ayes.

S-138-84 AND PA-260 - WESTLAKE VILLAGE - APPROVED WITH CONDITIONS

This was a request for approval of a subdivision consisting of a 23.5 acre cluster unit development (47 single-family lots and 10 duplex townhouse units), zoned Residential-6. One lot is 16.7 acres in size and zoned Residential-6; one lot is 12.9 acres in size and is zoned Residential-4; and one lot is .29 acre and is zoned Residential-6. The total project is 55.17 acres - 12.91 acres zoned Residential-4, 40.3 acres zoned Residential-6, and 1.93 acres zoned Conservation/Buffer. The site is undeveloped.

The property is located on the east side of Leesville Road, just north of Newport Avenue, outside the City Limits.

CR-5233 from the Planning Commission recommended that this request be approved according to a map entitled, "Westlake Village," the property of Development Associates, Incorporated, drawn by Penny Greene and Associates, dated August 17, 1984, with the following conditions: (1) That greenway be reserved along Lot 53 between the lake and the 349 contour as per Section 10-3019; (2) that Reference #4 be revised to read "No lots shall have private driveway access onto Leesville Road"; (3) that the sanitary sewer outfall to the south be acquired and, if necessary, have site plan approval prior to approval of any construction drawings; (4) that the legal documents for the non-profit cluster unit development be reviewed and approved by the City Attorney's Office; and (5) that no plats be recorded prior to fulfilling all the above conditions. Consent Agenda approval: Calloway/Babb - 7 ayes.

PA-230 - WEST GATE OFFICE ADDITIONS - APPROVED

This was a request for approval to construct a 2,680 square foot addition to an existing 2,540 square foot office building on a 0.5 acre parcel, zoned Office and Institution-I.

The property is located at the northeast corner of Heather Street and Western Boulevard, inside the City Limits.

CR-5234 from the Planning Commission recommended that this request be approved according to a map entitled, "West Gate Office Additions," the property of Westgate Company, drawn by Westgate Company, dated August 5, 1984. Consent Agenda approval: Calloway/Babb - 7 ayes.

PA-241 - WAKE FOREST OFFICE BUILDING - APPROVED WITH CONDITION

This was a request for approval to construct a 74,050 square foot building on a 3.0± acre parcel, zoned Office and Institution-I. The site is developed with a single-family unit which is to be removed.

The property is located on the southeast corner of Wake Forest Road and Forest Ridge Road, inside the City Limits.

CR-5235 from the Planning Commission recommended that this request be approved according to a map entitled, "Wake Forest Office Building," the property of John R. Adams, drawn by Ellinwood Design, dated July 20, 1984, with the condition that the existing house be removed prior to issuance of building permits. Consent Agenda approval: Calloway/Babb - 7 ayes.

PA-243 - N. C. ACADEMY OF FAMILY PHYSICIANS - APPROVED WITH CONDITION

This was a request for approval to add a 750 square foot addition to the existing 2,500 square foot office building on a 0.45 acre parcel, zoned Office and Institution-III.

The property is located on the east side of Six Forks Road, north of Northbrook Drive, inside the City Limits.

CR-5236 from the Planning Commission recommended that this request be approved according to a map entitled, "N. C. Academy of Family Physicians," the property of N.C. Academy of Physicians, drawn by R. Clayton Narron, dated August 15, 1984, with the condition that additional plant material to be placed in the side yard to act as a screen and to mitigate any adverse impacts to the adjacent residential development. Consent Agenda approval: Calloway/Babb - 7 ayes.

PA-244 - HULL-FREEDMAN MEDICAL BUILDING - APPROVED

This was a request for approval to construct a 10,325 square foot office building on a 1.27 acre parcel which is currently undeveloped and zoned Office and Institution-I.

The property is located on the north side of Computer Drive and south of the Beltline, inside the City Limits.

CR-5237 from the Planning Commission recommended that this request be approved according to a map entitled, "Hull-Freedman Medical Building," the property of Keith Hull and Mitchell Freedman, drawn by Medical Design International, dated July 31, 1984. Consent Agenda approval: Calloway/Babb - 7 ayes.

PA-245 - GLENWOOD AVENUE OFFICE BUILDING - APPROVED WITH CONDITIONS

This was a request for approval to construct an 80,000 square office building on a 6.88 acre site which is currently undeveloped and zoned Office and Institution-I and Conservation/Buffer.

The property is located at the southeast corner of US 70 and Woman's Club Drive, inside the City Limits.

CR-5238 from the Planning Commission recommended that this request be approved according to a map entitled, "Glenwood Avenue Office Building," the property of Lincoln Developers, drawn by G. Milton Small and Associates, dated August 15, 1984, with the condition that no permits be issued until the additional right-of-way needed is dedicated (excluding the north side of Woman's Club Drive) and construction drawings for the road improvements are approved by both the City and State Departments of Transportation. Consent Agenda approval: Calloway/Babb - 7 ayes.

PA-246 - CRABTREE TOWERS - APPROVED

This was a request for approval to construct a 99,500 square foot office building on a 3.36 acre parcel which is undeveloped and zoned Office and Institution-I.

The property is located on the north side of Edwards Mill Road, on the south side of Creedmoor Road, just south of Crabtree Creek, inside the City Limits.

CR-5239 from the Planning Commission recommended that this request be approved according to a map entitled, "Crabtree Towers," the property of Davidson and Jones, drawn by Envirotek, Incorporated, dated September 6, 1984. Consent Agenda approval: Calloway/Babb - 7 ayes.

PA-247 - T. HOERNER AND ASSOCIATES - APPROVED

This was a request for approval to convert an existing 3,016 square foot residential unit to an office use and construct a 14-space parking lot on a 0.9 acre parcel, zoned Office and Institution-III.

The property is located on the southeast corner of Six Forks Road and Crown Oaks Drive, outside the City Limits.

CR-5240 from the Planning Commission recommended that this request be approved according to a map entitled, "T. Hoerner and Associates," the property of T. Hoerner and Associates, drawn by North Ridge Designers, dated August 17, 1984. Consent Agenda approval: Calloway/Babb - 7 ayes.

PA-248 - ETHAN ALLEN ADDITIONS - APPROVED

This was a request for approval to construct a 6,070 square foot addition to an existing 16,400 square foot furniture store on a 1.9 acre parcel, zoned Neighborhood Business.

The property is located on the east side of US 70 and west side of Duraleigh Road, just north of that intersection, outside the City Limits.

CR-5241 from the Planning Commission recommended that this request be approved according to a map entitled, "Ethan Allen Additions," the property of Ethan Allen Gallery, drawn by H. S. Annis, Architect, dated June 13, 1984. Consent Agenda approval: Calloway/Babb - 7 ayes.

SC-219 - D'LITES AT COLONY SHOPPING CENTER - APPROVED

This was a request for approval to construct a 3,350 square foot freestanding restaurant in an existing 68,870 square foot shopping center on 6.5 acres, zoned Shopping Center.

The property is located at the southeast corner of Six Forks Road and Millbrook Road, inside the City Limits.

CR-5242 from the Planning Commission recommended that this request be approved according to a map entitled, "D'lites at Colony Shopping Center," the property of D'lites Restaurant, drawn by John A. Edwards and Company, dated November 1, 1983. Consent Agenda approval: Calloway/Babb - 7 ayes.

SC-250 - TACO BELL DRIVE-THROUGH ADDITION - APPROVED

This was a request for approval to add a drive-through window to an existing 1,566 square foot restaurant on a 0.7 acre site, zoned Shopping Center.

The property is located on the east side of US 80, just south of Pleasant Valley Road, inside the City Limits.

CR-5243 from the Planning Commission recommended that this request be approved according to a map entitled, "Taco Bell Drive-Through Addition," the property of Taco Bell, drawn by Taco Bell, dated June 1, 1984. Consent Agenda approval: Calloway/Babb - 7 ayes.

SC-252 - McDONALD'S (LANDSCAPE PLAN) - APPROVED

This was a request for approval of a landscaping plan for an existing restaurant on a 1.07 acre site, zoned Shopping Center.

The property is located on the southwest corner of NC 50 and Strickland Road, outside the City Limits.

CR-5245 from the Planning Commission recommended that this request be approved according to a map entitled, "McDonald's (Landscape Plan)," the property of McDonald's, drawn by Lewis Clarke Associates, dated July 18, 1984. Consent Agenda approval: Calloway/Babb - 7 ayes.

REZONING Z-75-82 - REQUEST FOR WAIVER - DENIED

This was a request that the two-year waiting period on Z-75-82 be waived.

CR-5246 from the Planning Commission recommended that the request for waiver of the two-year zoning waiting period on Z-75-82 be denied. Consent Agenda approval: Calloway/Babb - 7 ayes.

REZONING Z-4-82 - HILLSBOROUGH STREET - DENIED

This was a request for approval to rezone approximately 1.5 acres from Office and Institution-I (Parcels 4 through 8) to Shopping Center and from Residential-20 (Parcels 1 and 3) to Office and Institution-I.

CR-5249 from the Planning Commission recommended that Z-4-82 be denied. Consent Agenda approval: Calloway/Babb - 7 ayes.

END OF PLANNING COMMISSION CONSENT AGENDA

SC-239 - McDONALD'S ADDITION - APPROVED

This was a request for approval to construct a 704 square foot atrium and an 84 square foot expansion to an existing bathroom; zoned Shopping Center and Residential-10.

The property is located at the intersection of Western Boulevard and Gorman Street, inside the City Limits.

CR-5150 from the Planning Commission recommended that this request be approved according to a map entitled, "McDonald's Addition," the property of McDonald's, drawn by McDonald's Engineers, revised date June 22, 1984.

Planning Director Chapman explained the request and Chairman McNeely explained the Planning Commission's deliberation relating to the item as well as the Board of Adjustment's decision. Ms. Block briefly talked about the problems with this location, pointing out her main question relates to parking, and she wondered if there was adequate parking space for the seating space inside, pointing out this location is used by university students a lot, and they do eat inside. Mr. McNeely indicated there has been some confusion relative to drive-in/drive-through restaurants. However, this request meets the more stringent code requirement as it relates to parking. Ms. Block moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

S-134-84 - THORPSHIRE FARM (REVISED) - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to amend the approved plan (S-149-83) by showing Colesbury as a cul-de-sac instead of connecting through to Litchford Road. The site is a 38.8 acre tract, zoned Residential-4, and is developing as a Planned Unit Development.

The property is located on the west side of Litchford Road, just north of Gresham's Lake Road, outside the City Limits.

CR-5230 from the Planning Commission recommended that this request be approved according to a map entitled, "Thorpshire Farm (Revised)," the property of CBS Development, drawn by John A. Edwards and Company, dated August 1, 1984, with the following conditions: (1) That the legal documents be revised to show the additional land and that these documents be reviewed and approved by the City Attorney's Office prior to recording any final plats; (2) that the developer conform to all standards set

forth in the Perry Creek Development Policy; and (3) that a storm water management plan and program be developed that would insure that there would be a minimal adverse impact on downstream water quality and be approved by the City's Soil Conservation Staff and the Planning Department, this being for only the addition.

Planning Director Chapman explained the subdivision. Chairman McNeely indicated this item was on the Planning Commission Consent Agenda and not pulled; therefore, it was not discussed by the Planning Commission. Ms. Block indicated she had requested this be pulled from the Consent Agenda questioning why Colesbury is being suggested as a cul-de-sac instead of connecting through to Litchford Road. Planning Director Chapman indicated this recommendation was made because of a sight-distance problem at the proposed road location, and both the City and State DOT have decided to not recommend connection to Litchford Road. Ms. Block indicated she did not like cul-de-sacs, particularly when there is only a few feet between the cul-de-sac and a major road like this. She questioned if we could have right turn in/right turn out only onto to Colesbury, with Mr. Chapman indicating we normally use turn restrictions in non-residential areas where a median is involved. Discussion took place on how we could control right turn in and right turn out on a residential street, with Mr. Keller pointing out there is one on Chaney Road at Western Boulevard. Ms. Block moved that the subdivision be approved with right turn in and out on Litchford Road with the further understanding that Colesbury would not be cul-de-saced but connected to Litchford Road. After other discussion, Ms. Cates moved that S-134-84 be referred to the Public Works Committee. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

S-137-84 - LINCOLN CENTER AND SC-251 - MONARCH HOTEL - APPROVED

S-137-84 was a request for approval to subdivide 10.02 acres which are currently vacant into two (2) lots, zoned Shopping Center (4 acres) and Office and Institution-I (6.02 acres).

CR-5232 from the Planning Commission recommended that this request be approved according to a map entitled, "Lincoln Center," the property of Lincoln Center, drawn by John A. Edwards, dated March 24, 1984.

SC-251 was a request for approval to construct a motel consisting of 102 guest rooms and 74 guest suites on five (5) acres which are currently vacant and zoned Shopping Center (4 acres) and Office and Institution-I (1 acre).

The property is located on the west side of Blue Ridge Road between I-40 and SR 1336, outside the City Limits.

CR-5244 from the Planning Commission recommended that this request be approved according to a map entitled, "Monarch Hotel," the property of Pawnee Corporation, drawn by Creative Architects and Planners, Incorporated, dated August 16, 1984.

Planning Director Chapman explained the two items with Chairman McNeely explaining the Planning Commission's recommendation and screening requirements. Ms. Cates indicated she had talked with the developers involved and feels that everyone is in agreement that this is going to be a very visible corner, and we need to do as much landscaping as possible. She stated she is satisfied that the developer will do everything he can. She stated, however, she did have a question about the sign. Mr. McNeely indicated they did not submit information or a request for a sign. Planning Director Chapman indicated since this is zoned Shopping Center, it will require a set of sign criteria, and that would be submitted at a later date, pointing out this is not an unusual sequence of events. Discussion took place with Ms. Block questioning if the County's restrictions on I-40 would not apply, with Planning Director Chapman indicating they would not. Ms. Cates moved the Planning Commission's recommendation outlined in CR-5232 and CR-5244 be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TEXT CHANGE PROPOSAL - DRIVE-THROUGH/VIDEO GAME PARKING STANDARDS/ STACKING REQUIREMENTS FOR RESTAURANTS WITH DRIVE-THROUGH WINDOWS - PUBLIC HEARING AUTHORIZED

This was a request for approval to amend Sections 10-2061(3)i, 10-2061(3)n and 10-2061(3)m to decrease the number of parking spaces for drive-in, drive-through and walk-up restaurants; to increase the required storage space for vehicles at each drive-in window in a restaurant; to require that restaurants which have both sit-down and drive-through service comply with the more stringent standard; and to reduce the off-street parking for video games when they are an accessory operations.

CR-5248 from the Planning Commission recommended that these proposed text changes be advertised for public hearing.

Ms. Block indicated she did not quite understand this proposal, questioning if video games will not bring in more customers. Mr. McNeely indicated the proposal relating to video games has to do with video games that are incidental to the major use of a building, with Ms. Block questioning how you determine incidental rather than major use. Planning Director Chapman pointed out the code defines accessory or incidental uses. Ms. Block moved the Planning Commission's recommendation be upheld and a public hearing authorized. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-81-84 - JONES FRANKLIN ROAD - TO BE PLACED ON OCTOBER 2, 1984 AGENDA

This was a request for approval to rezone approximately 51 acres from Residential-4 (14.8 acres) and Residential-6 (41 acres) to Thoroughfare District.

CR-5250 from the Planning Commission recommended that Z-81-84 be approved as amended; that is, that the property in Z-81-84 be rezoned to Office and Institution-I.

Planning Director Chapman explained the rezoning request. Chairman McNeely explained the Planning Commission's discussion on this item, pointing out the petitioner made a change in the request, and the Planning Commission further modified the request as the result of a subcommittee studying the item. Ms. Block pointed out this acreage is on a narrow, two-lane road which already has problems, and there are no plans for improvements to the road in the near future. She stated there is no access to the Beltline, and she feels the current R-6 zoning is the best use of the land; therefore, she moved that Z-81-84 be denied. Her motion was seconded by Mr. Keller.

Mr. Walters indicated he understood the neighborhood had worked with the developer and had arrived at a satisfactory arrangement, and it is his understanding if this is referred to a Committee, it would give them the further opportunity to work on the arrangement; therefore, he made a substitute motion that the item be referred to the Law and Finance Committee. His substitute motion was seconded by Mr. Calloway.

Ms. Block indicated, as she understands it, the neighborhood had rather it stay at its present zone, but they thought they had to work with the developer. She stated there was some misunderstanding on the neighbors' part. She pointed out, however, she understands that they would prefer the case be denied. The substitute motion to refer the item to the Law and Finance Committee was put to a vote with results as follows: Ayes - Upchurch, Walters, Babb, Calloway; Noes - Block, Cates, Keller. The Mayor ruled the motion defeated. The original motion to deny Z-81-84 was put to a vote with results as follows: Ayes - Block, Keller, Cates; Noes - Upchurch, Walters, Babb, Calloway. The Mayor ruled that motion defeated. Mr. Walters moved that Z-81-84 - Jones Franklin Road be placed on the October 2, 1984 Agenda as a special item for further consideration. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Z-96-84 - NEW HOPE ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 7.7 acres from Residential-6 to Industrial-I.

CR-5252 from the Planning Commission recommended that Z-96-84 be approved as requested.

Planning Director Chapman explained the request. Chairman McNeely indicated the Planning Commission, after study in Committee, felt that this is definitely a case of clean-up or realignment of the Industrial zone. Ms. Block pointed out the staff notes indicated that this might be more appropriate as Thoroughfare Districts. She stated this is pretty much an industrial area, but she feels the Thoroughfare zone would be better; therefore, she moved that the property covered by Application Z-96-84 be rezoned to Thoroughfare District. This did not receive a second. Mr. Walters indicated he felt the Planning Commission's recommendation and study were good; therefore, he would move that the property covered by Z-96-84 be rezoned as requested. His motion was seconded by Ms. Babb.

Discussion took place as to why the Planning Commission did not recommend the Thoroughfare District, with Mr. McNeely indicating we must resist taking a small piece of property out of context and putting in the Thoroughfare District zone. He indicated he shares Ms. Block's concern, but he feels we must do a comprehensive analysis. After other discussion on the property in question, the fact that it would be squaring off the industrially zoned property and what a Thoroughfare District would allow, the motion, as stated, was put to a vote and resulted in all members voting in the affirmative, except Ms. Block who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 414 ZC 146.

Z-58-84 - REQUEST FOR WAIVER - TO BE PLACED ON OCTOBER 2, 1984 AGENDA AS A SPECIAL ITEM

This was a request that the two-year zoning waiting period on a portion of Z-58-84 be waived.

CR-5247 from the Planning Commission recommended that the request for waiver of the two-year zoning waiting period on a portion of Z-58-84 be denied.

Chairman McNeely indicated the Planning Commission acted on this request not realizing the landowner was not at the meeting nor aware of this action, but after reconsideration, the Planning Commission did vote to recommend that the request for a waiver be denied. Ms. Cates indicated this item has had a lot of work, and she feels that the petitioner and landowner are probably going to reach an agreement; therefore, she would move this item be placed on the October 2, 1984 Agenda for consideration. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Z-93-84 - FOX ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 84 acres from Residential-1 to Residential-10.

CR-5251 from the Planning Commission recommended that Z-93-84 be approved as requested.

Planning Director Chapman explained the rezoning request and Chairman McNeely explained the Planning Commission's recommendation pointing out this property does abut Residential-10, and with the announcement that sewage will be assured for this area, it is felt that this area could support the Residential-10 density. Mr. Walters indicated there was no neighborhood opposition, and the CAC recommended approval; therefore, he would move the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 414 ZC 146.

COMMITTEES, COMMISSIONS AND BOARDS

HISTORIC PROPERTIES COMMISSION - APPOINTMENTS MADE

The City Clerk indicated there are two vacancies as resignations have been received from G. Clarke Crampton and Warren Lail. Nominations include Francis Whitley and Mrs. Ken Nye. There being no further nominations, Mr. Walters moved that nominations to the Historic Properties Commission be closed and the two nominees appointed by acclamation. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ARTS COMMISSION - NOMINATIONS MADE

The City Clerk reported one vacancy as a resignation has been received from Jay Eaker. No nominations have been made. Ms. Babb nominated Mrs. Trish Kaasa. Ms. Cates nominated Fran Ashford. No further action was taken.

DHIC - BECKY R. FRENCH - REAPPOINTED

The City Clerk reported the term of Becky French expires October 5. She has been nominated for reappointment. There being no further nominations, Ms. Babb moved that nominations be closed and Ms. French appointed by acclamation. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

APPEARANCE COMMISSION - APPOINTMENT MADE

The City Clerk reported one vacancy as the Youth Council Representative on the Appearance Commission has resigned. The Youth Council recommends that Kim Parker be appointed. Mr. Calloway moved that Ms. Parker be appointed. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted. Later in the meeting, without objection, it was agreed that the motion would be changed to indicate that the City Council suspended the rules and appoint Ms. Parker by acclamation.

HOUSING AUTHORITY - NOMINATIONS MADE

The City Clerk reported the term of Harold Webb expires November 2. He is eligible for reappointment and his attendance record is good. Mr. Calloway nominated Mr. Webb for reappointment.

YOUTH COUNCIL ADVISORY BOARD - VACANCY ANNOUNCED

The City Clerk indicated she has been advised that Betty Jo Kendall has moved out of State; therefore, there is a vacancy on the Youth Council Advisory Board. No nominations were made.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

NEWSPAPER VENDING MACHINES - PROPOSED REGULATION - ORDINANCE ADOPTED

Councilman Keller indicated Council Members received in their Agenda packet a proposed ordinance relating to newspaper vending machines. On behalf of the Law and Finance Committee, he moved adoption of the ordinance. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 415

AN ORDINANCE TO REGULATE THE PLACEMENT OF NEWSRACKS ON PUBLIC RIGHT-OF-WAY

Section 1. The existing text of Section 12-1022 is hereby renumbered as Section 12-1022(a).

Section 2. The renumbered Section 12-1022(a) is amended by placing the words "Newsracks and" before the word "Public" in the next to the last sentence thereof.

Section 3. A new Section 12-1022(b) is hereby enacted to read as follows:

"b. Newsracks shall not be allowed on the public right-of-way unless the conditions contained in this subsection are met. A newsrack is defined as any self-service container, storage unit or other dispenser installed, used, or maintained for the distribution of newspapers or news periodicals. After the effective date of this ordinance, no newsrack shall be placed at the sidewalk until it has received a permit granted by the Inspections Department. There shall be no charge made for the permit and it shall be

issued if the issuing officer finds that the newsrack and location meet the following conditions:

1. No individual newsrack shall exceed 50" (inches) in height, 24" (inches) in width and 24" (inches) in thickness. This includes all signs and any other permanent attachments necessary for the operation of the newsrack.

2. Newsracks may be placed no closer than five (5) feet from the edge of the street curb and shall be placed parallel to and no more than six (6) inches from the sidewalk edge farthest away from the street curb, or the wall of a building which is adjacent to the sidewalk edge.

3. No newsrack shall be affixed or attached to any fixture or other property owned or maintained by the City of Raleigh.

4. No newsracks shall be placed, installed, used or maintained:

   a. Within fifteen feet of any fire hydrant, standpipe or siamese connector;

   b. Within five feet of any emergency call box or other emergency telecommunications equipment or any other emergency facility;

   c. Within five feet of any driveway or crosswalk;

   d. Within five feet of any public transit benches or other public benches and trash containers;

   e. Within five feet of any area within the public right-of-way improved with lawn, flowers, shrubs or trees;

   f. At any location where the clear space for the passageway of pedestrians is reduced to less than five feet;

   g. Within a ten foot radius of the points of intersection of the right-of-way of two intersecting streets;

   h. Within five feet of any underground utility access points, ventilation areas or meters;

   i. Within five feet of any handicapped ramps or other facilities provided for handicapped persons;

   j. Within five feet of any building access, exits or any emergency access or exit ways.

5. No newsrack shall be used for advertising signs or publicity purposes other than an identification sign dealing with the display, sale or purchase of the newspaper or news periodical sold therein. Within ninety days after this section becomes effective, every person or other entity which places or maintains a newsrack on the streets of the City of Raleigh shall have the vendor's name, address and telephone number affixed thereto in a place where such information may be easily seen. A uniform sticker shall be supplied by the Inspections Department for this purpose. Any newsrack installed, used or maintained in violation of the provisions of this section shall be tagged with a "notice of violation" stating the violation, date of tagging, notice of intention to remove the newsrack if the violation is not corrected within ten days or procedure for obtaining a hearing before the Inspections Department is made giving the owner of the newsrack opportunity to be heard regarding the violation. The Inspections Department or its designate may, as an alternative to tagging said newsrack, move, align, or otherwise reposition such rack or racks in order to restore them to a legal condition. Any newsrack which has been tagged and remains in violation of the provisions stated on the tag past the ten-day correction period, and no hearing has been requested, said newsrack shall be removed by the Inspections Department or its designate and stored in a secure location. The Inspections Department or its designate shall notify the owner thereof by mailing a "notice of removal" to the last known address of the owner. Such notice shall state the date the newsrack was removed, the reasons therefore, the procedure for obtaining a post-removal hearing before the Inspections Division, if desired. Any such newsrack removed and stored pursuant to these provisions shall be released to the owner thereof if claimed within forty-five days after such removal and upon the payment of reasonable charges of removal and storage. Upon failure of the owner to claim such newsrack and pay the reasonable charges within forty-five days after the mailing of written notice of removal, such a newsrack shall be deemed to be unclaimed property in possession of the Police Department and may be disposed of pursuant to the provisions outlined in the Code of the City of Raleigh. Any newsrack in violation of the provisions of this section, which violation creates an immediate danger to the health, safety or welfare of the public, which violation cannot be corrected by moving or otherwise repositioning the newsrack, said newsrack may be summarily removed and

stored in a secure location so as to eliminate the danger to the health, safety and welfare of the public. The Inspections Department or its designate shall notify the owner as outlined in this section. Every person or other entity which places or maintains a newsrack on a public sidewalk or right-of-way in the City of Raleigh shall file a written statement with the Inspections Department satisfactory to the City Attorney whereby he or it agrees to indemnify and hold harmless the City, its officers, councilmen and employees from any loss or liability or damage, including expenses and costs for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use or maintenance of a newsrack within the City of Raleigh."

Section 4. This ordinance shall become effective immediately upon adoption.

Adopted: 9/18/84

Effective: 9/18/84

RALEIGH ECONOMIC DEVELOPMENT ROUND TABLE - APPOINTMENT PROCEDURE APPROVED

Mr. Keller reported the Law and Finance Committee recommends the Planning Director be authorized to contact the members of Raleigh Tomorrow Task Force to ascertain their desire to serve on the Raleigh Economic Development Round Table with the understanding that those persons would become the core group for the Round Table. Once the persons who are willing to serve are determined, they will be fitted into the slots as recommended by the Planning Department and the City Council would proceed to make recommendations for filling in the remaining slots on the Committee. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb.

Ms. Block indicated she had no real problems with the recommendation of contacting the members of the Raleigh Tomorrow Task Force to see if they want to serve, and when we get that information, those persons should be nominated as all people to the various Board and Commissions are nominated. Ms. Babb indicated the Raleigh Tomorrow Task Force was a very dedicated group and had good attendance from all. She indicated in the recommendation of the Task Force to the City, there was an implication or a strong recommendation that an advisory group be formed, and it was implicitly understood that members of that group would want to be involved. She paralleled this to having a baby, pointing out you do not have a baby and throw it away, you want to see it through. She indicated she sees the members of the Raleigh Tomorrow Task Force as a core group, and it is her strong feeling that only half or less of them would want to continue to serve, but those that do want to continue should be allowed to do so and considered a core group. She stated the core group would give us the continuity and history, and then the other slots could be filled by "new blood." Ms. Block indicated she had qualms with that thinking, but she feels that they should be nominated and voted on as all Committee members are voted on. She feels all of our citizens need to be represented. She stated originally there was a recommendation from the Planning staff as to how this Committee should be formed, and she had problems as she felt the County Commissioners should be represented, and that is why it was referred to Committee, with Ms. Babb agreeing but pointing out she also had concerns, but Ms. Block beat her to having it referred to Committee. She indicated what we are talking about is an existing entity, a group of people that have been working on something. We are not creating something new. She stated the core group exists, with Mr. Calloway indicating he sees this as reconvening the core group and adding other members. Mr. Walters agreed that he saw this as reconvening the Raleigh Tomorrow Task Force and then adding to it or replacing members who did not want to continue to serve. Ms. Cates indicated she agreed with the recommendation, and she has some names that she would like to pass along as new members. After other discussion, the motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

CEDAR HILLS PARK - FRISBEE GOLF COURSE - FUNDS APPROPRIATED

Mr. Keller indicated the Law and Finance Committee recommends that $10,000 be appropriated from Park Capital Reserves in order to construct a frisbee golf course at Cedar Hills. His motion was seconded by Ms. Babb. Mr. Calloway questioned if it is the intent of the Council to place frisbee golf courses at various parks around the City as requested, pointing out he would like to see some in his area of the City. He questioned how one gets a frisbee golf course installed at a park. City Manager Benton indicated it would be in conjunction with the development or the update of a Master Plan for a park. He stated frisbee golf courses are of relatively low cost but pointed out they have to be fitted into the Park Master Plan. Ms. Block questioned the difference in the one at the park on Kaplan Drive and this one as it relates to cost. Mr. Keller pointed out the original frisbee golf course on Kaplan Drive was put in on a restricted amount of space and is not a full-fledged frisbee golf course. He stated the one recommended for Cedar Hills will be a full-length course. He stated it bothered him a little that the money was coming from Park Capital Reserves, pointing out the Committee discussed the source of funds at length. He stated he feels that these should not be considered on an individual basis but should be considered along with the Capital Improvement Budget. Ms. Babb indicated this was discussed a great deal in Committee but pointed out that a frisbee golf course allows for a tremendous amount of use for the dollars invested. She stated it accommodates a lot of people at a real low cost. She pointed out if we waited and dealt with this at budget time, then it would not be available for next summer. She stated, in her opinion, we could go ahead and install it now and have it to look at

as a model for other parks. The motion, as stated, was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 412 TF 5.

DRIVE-THROUGH/DRIVE-IN RESTAURANTS - BOARD OF ADJUSTMENT REQUEST - REMOVED FROM THE AGENDA

Mr. Keller reported the Committee recommends that this item be removed from the Agenda with no action taken as the Planning Commission is making recommendations relative to revisions to this section of the code dealing with this item. On behalf of the Committee, he so moved. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

THE CITY COUNCIL RECESSED BETWEEN 2:35 P.M. AND 2:50 P.M.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

PETERSON STREET - ADMINISTRATION AUTHORIZED TO OBTAIN EASEMENT RELATING TO SOIL TESTING

Chairman Walters indicated the Real Estate Committee recommends that authority be granted to begin soil tests by a boring operation on the property located along Peterson Street (approximately forty-nine acres) and that an easement be obtained from the landowners to conduct soil testing. He indicated this is needed to determine how much buildable land is on the property. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

HOUSING AUTHORITY - FAIR MARKET DISPOSITION AND REUSE VALUES - ESTABLISHED

Mr. Walters indicated the Real Estate Committee recommends that the recommendation, as presented by the Housing Authority, be approved as follows:

1. The fair market disposition values or reuse values on these properties:

a.	510 South Blount Street	$3,400.00
b.	516 East Martin Street	$4,000.00
c.	13 Bladin Street	$3,500.00
d.	11-11½ Bladin Street	$3,000.00

2. The offer to purchase value on this property:

a.	505, 507, 509 East Davie Street	$8,950.00

On behalf of the Real Estate Committee, Mr. Walters moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

NORTH CAROLINA LEAGUE OF MUNICIPALITIES - 1984 CONFERENCE - VOTING DELEGATES DESIGNATED

As preparation for the Annual League of Municipalities Conference, it has been requested that the City Council designate its voting delegate and alternate voting delegate.

Recommendation: It is recommended that the Council designate its voting delegate and alternate. Ms. Cates moved that Mayor Upchurch be designated the City's voting delegate and Mayor Pro Tem Walters be alternate voting delegate. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SANITARY SEWER EXTENSION - U.S. 64 EAST - APPROVED WITH PROVISIONS

A request has been received to extend a sewer main to serve the Henley/Fletcher property on U.S. 64 East. The request includes the construction of 400 feet of 8-inch gravity sewer and a privately owned and maintained pump station which will be temporary until gravity sewer is extended to this area.

Recommendation: It is recommended that the City Council approve this project which will be built without City costs with the provision that the pump station would be privately owned and maintained and all plans would be approved by the Public Utilities Department.

City Manager Benton indicated the cost and time delays in getting the gravity flow is the reason for this recommendation, pointing out this would be a temporary solution until the gravity sewer can be extended to the area. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CITY MARKET PROJECT - ZUCHELLI-HUNTER ASSOCIATES CONTRACT - CONTINUED - FUNDS APPROPRIATED.

The City Market UDAG project has now been submitted to the Department of Housing and Urban Development. During the next several weeks, the City may receive a favorable response to the grant request. If so, it will be essential to immediately commence with the final negotiations among all parties involved. The involvement of the Zuchelli-Hunter group is desired to assist the City Staff in this effort.

Recommendation: It is recommended that the City Council approve continuation of the contract with Zuchelli-Hunter Associates for assistance upon receipt of a favorable response to the UDAG request with the amount of the services agreement not to exceed $10,000. It is further recommended that the appropriate transfer of funds be approved. City Manager Benton indicated the source of funds would be City Council Contingency. Ms. Babb moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 412 TF 5.

ROAD BOND REFERENDUM - VARIOUS ACTIONS TAKEN - RESOLUTION ADOPTED

City Manager Benton indicated there are several steps we need to take relating to the Road Bond Referendum. He indicated it is necessary that we follow a pretty rigid schedule, and what we need to do at today's meeting is adopt a resolution calling for the election and a notice setting forth election, list polling places and authorize the Clerk to do the usual certifications. He indicated this would allow us to stay in step and follow the legal procedures. In response to questioning, he indicated the actual wording to be on the ballot is on Page 4 of the information received by Council. Mr. Walters moved adoption of the resolution and the steps as outlined by the Manager. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution No. 616.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

SCENIC VIEW LANE PROBLEMS - REFERRED TO ADMINISTRATION

Ms. Block reported the Public Works Committee was advised the contractor for Ridgeloch Townhouse Project (Richard Weale) has verbally agreed to make the following improvements on Scenic View Lane:

(1) Construct one additional parking bay on Scenic View Lane

(2) Construct an 8-foot turnaround perpendicular to the end of the bay on Scenic View Lane

(3) Provide additional pavement material in several depressed areas of the parking bay on Scenic View Lane in order to maintain positive drainage and prevent future deterioration of the parking surface.

The Committee recommends that Administration proceed according to this verbal agreement and report progress of these improvements back to the Committee within 45 days.

Without objection, the item was referred to Administration to follow up as outlined.

BENSON DRIVE EXTENSION - ENDORSED BY COUNCIL - VARIOUS ACTIONS TAKEN - MATTER REFERRED TO ADMINISTRATION

Ms. Block reported the Public Works Committee recommends that the Council endorse the City's construction of Benson Drive from Navaho Drive to New Hope Church Road extension in order to provide an alternate means of access to Wake Forest Road for properties on Navaho Drive with the understanding that the following steps will be taken to prevent further deterioration in traffic conditions along Wake Forest Road:

(1) Reversing the one-way direction of Executive Drive such that Raleigh Community Hospital traffic will no longer enter Wake Forest Road at the New Hope Church Road intersection. This action should be taken when New Hope Church Road is extended and connected to St. Albans Drive and additional development occurs along that route or Raleigh Community Hospital develops land they own immediately south of the existing hospital building and extends their service drive to Navaho Drive.

(2) Remarking the lanes of Wake Forest Road with narrower lanes to provide seven traffic lanes rather than five. The State Department of Transportation has agreed to this project and asked that City DOT forces carry out the work with reimbursement from NCDOT.

It is further recommended that the funding plan for these improvements and negotiation of an appropriate contract based on 50/50 funding between the City and the developer be referred to Administration with a recommendation to be brought back to the Council.

On behalf of the Committee, Ms. Block moved the recommendation, as outlined, be upheld. Her motion was seconded by Mr. Calloway. Ms. Block indicated Benson Drive would be built by the City and assessed.

Mr. Walters explained he has a little bit of a problem with this recommendation, pointing out the way the wording is it indicates that the construction of Benson Drive is contingent upon Items 1 and 2, and he would like the wording changed so that the construction would not be contingent upon Items 1 and 2. Therefore, Mr. Walters made a substitute motion that the recommendation of the Public Works Committee be upheld except that the words in the first sentence be changed to read as follows: "...on Navaho Drive with the understanding that the following steps will be recommended to prevent further deterioration..." The substitute motion was seconded by Ms. Babb. Ms. Block indicated she feels strongly that Item 1 would be helpful in this situation and is needed. Ms. Cates pointed out she was very strong on Recommendation No. 2, but she feels we should get some input from the citizens, hospital personnel, etc., before implementing Item No. 1.

Discussion took place, after which Mr. Walters amended his substitute motion to state that the recommendation of the Public Works Committee be upheld with the understanding that Item No. 1 be amended by adding the word "consider" at the beginning of that section. Ms. Babb accepted this amendment to the substitute motion. Ms. Block pointed out Benson Drive will put more traffic at the five-legged intersection, and she feels that we should leave the recommendation like it is. City Manager Benton indicated he feels that this area is going to see substantial change, and we would expect some changes at the Navaho Drive intersection as well if we get Benson Drive constructed. He indicated he thought the concerns of staff are in the future. As Benson Drive is extended and New Hope/St. Albans is constructed, then that intersection will take more time in the east/west movement, and when that occurs, we should consider changing Executive Drive to a one-way corridor. Discussion took place relative to the problems making Executive Drive one-way will create for the hospital and people utilizing that street because of turn restrictions at the Navaho intersection, with Mr. Benton again indicating he feels that Navaho will have to have some changes once all of these actions take place. After lengthy discussion, the timing and the fact that no one had any problems with Item 2 of the recommendation, the amended substitute motion as made by Mr. Walters was put to a vote and passed unanimously.

RESOLUTION NO. (1984) 621

WHEREAS, the City of Raleigh and the North Carolina Department of Transportation propose to make certain traffic control improvements under Project 9.8059149, Wake County, said project to consist of the establishment of seven traffic lanes along Old Wake Forest - Falls of the Neuse Road from Cliff Benson Beltline to Quail Ridge Road; and

WHEREAS, the City of Raleigh desires to enter into a municipal agreement with the Department of Transportation whereby the City of Raleigh shall install the required traffic control devices for the project, and whereby the Department of Transportation shall reimburse the City of Raleigh a lump sum amount of $25,900.00 for the cost of the project, including labor and equipment rental;

NOW, THEREFORE, BE IT RESOLVED that Project 9.8059149, Wake County, is hereby formally approved by the City Council of the Municipality of Raleigh and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the agreement with the Department of Transportation.

PU 1984-5 - SEWER MAIN IN NEWTON ROAD - RESOLUTION ADOPTED

Ms. Block reported the Public Works Committee recommends the adoption of a Resolution of Intent calling for a public hearing to consider the installation of a sewer main in Newton Road with assessment on a per lot basis. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 613

A RESOLUTION TO DIRECT THAT THE SANITARY SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFORE

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefore; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

> PU 1984-5 - Installation of approximately 1,000 feet of eight-inch sewer main beginning at an existing manhole south of the Synagogue property on Newton Road and continuing eastward across the Synagogue's property within an easement to Lot 134 on Newton Road.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: On a per lot basis.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 9/18/84

REZONING Z-74-84 - GLENWOOD AVENUE - TO BE PLACED ON OCTOBER 2 AGENDA

Ms. Block reported by split vote, the Public Works Committee recommends denial of this rezoning request. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Mr. Calloway indicated he was the split vote as he did not feel there was anything wrong with the R-6 recommendation of the Planning Commission. He reported Mr. Congleton is very interested in this case and has asked that it be held until the next meeting. Mr. Calloway made a substitute motion that Z-74-84 be placed on the October 2 Agenda. His substitute motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PUBLIC NUISANCE - 311-27 SOUTH PERSON STREET - ORDINANCE ADOPTED - TO BECOME EFFECTIVE NOVEMBER 21

Ms. Block reported by split vote, the Public Works Committee recommends adoption of an ordinance declaring the property at 311-27 South Person Street a public nuisance to become effective November 21, 1984. On behalf of the Committee, she so moved.

Her motion was seconded by Ms. Cates. Ms. Block indicated everyone on the Committee was in favor of declaring the property a public nuisance; however, one member wanted to make it effective sooner. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 416

AN ORDINANCE TO DECLARE CERTAIN PROPERTY A PUBLIC NUISANCE

WHEREAS, the Department of Inspections of the City of Raleigh has inspected the property at 311-27 South Person Street; and

WHEREAS, said Department of Inspections has found such property to constitute a public nuisance under Section 12-6002(3)(6); and

WHEREAS, the owners of said property have appealed the findings of the Department of Inspections to the City Council under the provisions of Section 12-6003 of the City Code; and

WHEREAS, the City Council, after hearing all interested persons and reviewing the findings of the Department of Inspections has determined that the findings of the Department of Inspections are correct and proper and wish to adopt an ordinance specifically declaring the condition existing on the property to be a danger to the health, safety, morals and general welfare of the inhabitants of the City and a public nuisance and directing the Department of Inspections to cause said conditions to be abated.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the property located at 311-27 South Person Street, as specifically described above, is hereby declared to be a public nuisance by virtue of the conditions described above. Said property is also declared to be, for the same reasons, a danger and hazard to the health, safety, morals and general welfare of the inhabitants of the City.

Section 2. The Department of Inspections of the City of Raleigh is hereby directed to cause said conditions to be abated and the cost of said abatement to be assessed as a lien against the property.

Section 3. That this ordinance shall become effective November 21, 1984.

Section 4. All ordinances and portions thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Adopted: 9/18/84

Effective: 11/21/84

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

RESIDENTIAL-30 SPECIAL USE DISTRICT - PROPOSAL - PUBLIC HEARING AUTHORIZED

Ms. Babb indicated Council Members received in their Agenda packet guidelines for a proposed Residential-30 (Special Use) District. The Committee recommends that Administration be directed to draft a text change along these lines and that a Special Public Hearing be authorized for the second meeting in October to consider this text change. On behalf of the Committee, Ms. Babb moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Mr. Walters indicated he felt there was some confusion with this recommendation and after reading newspaper reports of the Committee meeting, he is confused as the Agenda does not say the same thing as the newspaper articles. He indicated he thought the rezoning request was going to be denied.

Lengthy discussion followed with Planning Director Chapman indicating if it is the long-range intent to place Residential-30 Special Use Zoning District on the Glenwood/Brooklyn neighborhood, then the most rapid way to do that is to leave the case pending and that zoning classification could be applied to the property immediately after adoption of Residential-30 Special Use. He indicated if the Council goes ahead and denies this case and takes action on Z-33-84, then that case would be completed, and to apply the Residential-30 Special Use Zoning on the property, a new case would have to be filed, a new public hearing set, etc. Mr. Walters pointed out this would be a City-wide ordinance and questioned how other Residential-30 neighborhoods would be affected, with Mr. Chapman indicating the Residential-30 Special Use Zoning District would not be placed on any property without a public hearing. He pointed out, however, the property covered in Z-33-84 is one of two cases of multi-ownership Residential-30 property in the City, pointing out the other is located on Gorman Street. Ms. Babb indicated if we deny the zoning case today and then want to put in the Residential-30 Special Use, we would have to start all over, and in the meantime, the neighborhood would be unprotected, with Mr. Walters indicating it would be no more unprotected than any other neighborhood. Ms. Cates indicated the Comprehensive Planning Committee and staff have worked very hard coming up with these recommendations. It was pointed out that this recommendation is only to send the proposed Residential-30 Special Use guidelines to public hearing. The motion, as stated, was put to a vote and passed unanimously.

REZONING Z-33-84 - GLENWOOD/BROOKLYN NEIGHBORHOODS - TO BE HELD UNTIL ACTION IS TAKEN ON RESIDENTIAL-30 SPECIAL USE ZONING PROPOSAL

Ms. Babb indicated by split vote, the Committee recommends that the portion of this request in the Cameron Village Apartment area be rezoned Residential-15, the part related to Fred Fletcher Park remain Office and Institution-I and indicate it is the intent of the Committee that the portion of this rezoning request in the Glenwood/Brooklyn area will be considered when the text change relating to the Residential-30 Special Use District is adopted by the City Council.

Ms. Babb indicated she did not believe the recommendation, as outlined in the Agenda, is what the Committee voted on. She stated what the Committee wanted to do, in an effort to respond to the concerns of the citizens, is go ahead and move this case out of Committee with the understanding that the Cameron Village Apartment area would be rezoned Residential-15 and the Fred Fletcher Park area would remain Office and Institution and hold the remainder at City Council level and take final action after action has been taken on the Residential-30 Special Use Zoning District. She stated this would get it out of the Committee, and it would appear as a special item on the same Agenda as the Residential-30 Zoning District proposal. She stated, at this point on behalf of the Comprehensive Planning Committee, she would recommend that Rezoning Z-33-84 be reported out of Committee but request the City Council not to take final action on the case, with the understanding the Council would take final action upon the case upon adoption of performance standards. She put this in the form of a motion which was seconded by Mr. Calloway. Ms. Cates indicated she wanted it to be perfectly clear that the City Council is holding this case; therefore, she would make a substitute motion that the City Council hold Rezoning Application Z-33-84 in its entirety until the City Council acts on Residential-30 performance standards. This substitute motion was seconded by Ms. Block.

Lengthy discussion followed on whether this is legal, precedent for holding a zoning case while the City Council acts on a text change, the difference in the original motion and the substitute motion, with Mr. Walters indicating here the Council has a case that "we" are going to turn down, and it is just being held to prevent something from happening. Ms. Cates indicated that the City Council has never taken an action to state that they were going to turn down the zoning case. She stated she is still in favor of looking at all options and ways available to the Council to protect and enhance this neighborhood, and at this point, she feels the best option is the Residential-30 Special Use Zoning. She indicated she felt the case should be held in the Comprehensive Planning Committee until the Council took concrete action on the Residential-30 performance standards. She stated she is not aware that the City Council has gone on record as stating they plan to deny the case. After lengthy discussion, the substitute motion as made by Ms. Cates was put to a vote which resulted in all members voting in the affirmative, except Mr. Walters who voted in the negative.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NONE.

REPORT OF MAYOR AND COUNCIL MEMBERS

FENCES AND WALLS - BOARD OF ADJUSTMENT REQUEST - REFERRED TO LAW AND FINANCE COMMITTEE

Mayor Upchurch indicated Council Members received a letter from the Board of Adjustment relative to the number of fence and wall cases going before the Board. He stated without objection, he would refer this matter to the Law and Finance Committee.

CAPITAL TRAIL RUN - REQUEST FOR CITY'S PARTICIPATION - TO BE ON OCTOBER 2 AGENDA

Mayor Upchurch indicated he had received a letter from Frank Gailor relative to the Capital Trail Run. He explained last year the City of Raleigh provided support in the amount of $540 to help offset the cost of policing the race. He indicated we have received a request for this support again this year. Ms. Block questioned who receives the money from the races, with City Manager Benton indicating he is not sure where the proceeds go. He indicated last year the City provided money to help offset the cost of policing the event as it was used to promote and educate the public on the Capital Trail. After brief discussion by general consensus, it was agreed to refer this matter to Administration for report back to the City Council at the next meeting.

CLEAN COMMUNITY PROGRAM - TO BE DISCUSSED AT OCTOBER WORK SESSION

Mayor Upchurch indicated recently he brought up the Clean Community Program and referred the item to the Appearance Commission. He indicated the Appearance Commission has been working on this program, and he would suggest that they continue their work but schedule an item for the October Work Session in order for the Appearance Commission to give the Council an update on this program and what it is all about. Without objection, the item was referred to Work Session.

DOWNTOWN COMMITTEE - VARIOUS ITEMS - REFERRED TO DOWNTOWN COMMITTEE.

Mayor Upchurch indicated there are several items that he would, without objection, refer to the Downtown Committee:

1. UDAG - City Market and Bragg Street Projects.

2. Market Plaza Associates Project. He explained they have run into several problems and possibly need additional money from the Loan Pool Program.

3. Wake County Medical Auxiliary and a proposal that they work in conjunction with the North Carolina Historical Association for an educational center in the downtown area. He indicated they are in need of some 10,000 square feet of space.

Without objection, these items were referred to the Downtown Committee.

AMERICAN CIVIL LIBERTIES UNION - WAKE COUNTY CHAPTER REQUEST - CITY MANAGER TO GIVE REPORT

Mayor Upchurch indicated he had received a letter from the Wake County Chapter of American Civil Liberties Union indicating at their September 12 meeting, they voted to ask the Raleigh City Council to conduct a thorough investigation of undercover campaigns by the Raleigh Police Department. He indicated what he would like to do is request that Administration review this letter and report to the Special Police Committee which consists of himself, Ms. Block and Mr. Calloway. He stated, without objection, this would be the action taken. Mr. Walters indicated he had read the letter, and he feels that we should receive it as information and move on, with Mr. Keller agreeing. Ms. Babb moved that the letter from the Wake County Chapter of American Civil Liberties Union be referred to Administration for a report to the Special Police Committee within thirty days. Her motion was seconded by Ms. Cates, and after discussion, put to a vote with results as follows: Ayes - Babb, Cates, Upchurch, Calloway; Noes - Walters, Keller, Block. The Mayor ruled the motion defeated.

Ms. Babb indicated she did not understand, questioning if this City Council had just voted that an expression of concern voiced by citizens should not be referred to Administration to report back to a Committee. She stated if that is the case, the City Council had just voted to ignore a request and not give a citizen the courtesy of a response. Mayor Upchurch indicated Administration had no problem of reviewing the letter, with Mr. Walters indicating he felt the City Manager could take the letter and respond to it, but in his opinion, if the City Council directs a review, that looks as if we are investigating the Police Department, and he has talked with the police about this and would like to offer a vote of confidence on the way our Police Department has handled this matter. Ms. Babb indicated she had no opinion on how the Police Department had handled the matter, but this was a routine request by citizens, and they are normally referred to Administration or a Committee for a response. She stated it is just a routine request and she could not understand why the City Council had voted not to handle it in a routine manner. She stated what we are talking about here, and she does not have an opinion, is a question being raised about the appropriate actions and methods of an agency of the City, and it is the City Council's responsibility, in her opinion, to look into it. She stated if there is a question potentially involving civil liberties, she is very concerned as to her civil liberties which are the dearest rights a free society has, and it is the responsibility of all governmental units to zealously guard and protect civil liberties. She stated, in her opinion, the City Council would be seriously remiss in refusing to refer items of concern of the citizens to Administration or a Committee for a response.

In response to questioning, Police Chief Heineman indicated the first time he received any information from the Civil Liberties Union that they chose to inquire into the City's tactics was when he received a copy of the letter to the Mayor. He stated he sees nothing in the letter that makes him feel uncomfortable other than the fact that the letter did not go through the routine channels, that is, to him or the City Manager, but they chose to circumvent routine procedures and go directly to the City Council first. He indicated in reading the letter, he feels it just paraphrases what the Council has heard or read in the newspaper, and he can appreciate the expression of concern, but he feels embarrassed that it was brought directly to the City Council rather than through routine channels as he feels the letter should have been addressed to Administration. He stated if the writer of the letter is uncomfortable with the procedures and policies of a department, he feels that they should write to that department, not jump a few hurdles and go directly to the top.

Ms. Cates indicated she was at a disadvantage in this discussion as she had not read the letter and questioned if the Council would reconsider this action at tonight's meeting. It was pointed out someone who voted against the matter being referred to Administration would have to move that the matter be reconsidered. Mr. Calloway indicated maybe the writer of the letter did make a procedural mistake as to who the letter should have gone to and the letter may have been misdirected, but he does not feel the questions in the letter should be bypassed. Ms. Babb indicated she understood Chief Heineman's line of thought, but she did not go along with it. She stated the whole reason of having elected officials is so that citizens can come to them. She stated she receives calls from people all the time about water bills, potholes, cablevision or whatever, and she is not comfortable with the suggestion that citizens should not petition their elected officials. Mayor Upchurch indicated, as Mayor, he would ask the City Manager to give him a report on the letter.

TRAFFIC - CODE CHANGES IN THE CALVARY DRIVE AREA - APPROVED

Mr. Walters indicated he had asked the City Manager to give him a report relative to traffic controls on Limerick Drive from Watergate to Calvary. He indicated the Manager had given him recommendations; therefore, he would move adoption of an ordinance setting forth traffic controls relating to stop signs, yield signs, etc., in the Calvary Drive area to be effective immediately. He indicated Council Members have a copy of the memo. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 417

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH NECESSARY FOR THE IMMEDIATE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That Schedule No. 2, entitled "STOP SIGNS," b amended by adding the following:

Limerick Drive at Calvary Drive
Limerick Drive at Waterbury Road

Section 2. That all laws and portions of law thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance, being an emergency ordinance, shall become effective upon its adoption.

Adopted: 9/18/84

Effective: 9/18/84

ORDINANCE NO. (1984) 417A

AN ORDINANCE TO AMEND THE 1984/85 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/85 budget be amended as follows to establish a budget for a project to remark Wake Forest Road/Falls of Neuse Road for seven lanes to be funded by NCDOT per Municipal Agreement.

Revenue:	02-1-5800-0100	NCDOT Wake/Falls Roads	$25,900.00
Expense:	02-2-5800-0700	Marking Equip. & Supplies	25,900.00

PUBLIC SERVICE COMPANY - STREET CUTS - REFERRED TO ADMINISTRATION

Mr. Walters asked that Administration look into a problem at 2519 Kenmore Drive whereby Public Service Company did not come back and cover the holes following a street cut. He stated he does not feel that we are getting good cooperation from Public Service in covering up their digs in the street. He pointed out just recently on Morgan Street just east of Wilmington, they dug up the street beginning at 2:00 on Friday afternoon. Administration was asked to check into this matter.

LONGVIEW GARDENS SHOPPING CENTER - SIGN CRITERIA - REFERRED TO ADMINISTRATION

Mr. Walters indicated he would like for Administration to check into the sign criteria for Longview Gardens Shopping Center. He indicated Port Oil Company has just put up a large sign, and the color and location has the whole neighborhood upset. He indicated Longview had sign criteria when they first developed, even before the Ci y required sign criteria. He stated he did not know if the City had a copy of their sign criteria but would like for Administration to look into this matter.

MUNICIPAL BUILDING - INFORMATION - COMMENTS RECEIVED

Ms. Cates indicated she had had complaints from citizens and she, too, had had the problem of calling the Municipal Building and getting transferred around quite a bit as City employees do not know who is respons ble for what. She questioned the possibility of the City having one person that citizens can call for any information. She questioned if Administration could look into this. City Manager Benton indicated he plans to bring to the Council some information and changes proposed by he Researc and Information Director, and maybe this realignment would help with that situation. The comments were received.

GREENWAY STAFF - COMMENTS RECEIVED

Ms. Cates indicated she knew at one time the City had three people working on greenways and recently that was cut back to two, and even more recently, the City lost one of the Greenway Planners, Art Chard. She stated, therefore, we are back to Bob Mosher working on greenways alone. She pointed out Mr. Mosher is doing a good job, but there is no way he can handle all of the work with his other responsibilities. She would like to know what happened to the third position. City Manager Benton indicated we have recently undergone a reorganization in the Planning

Department. Planning Director Chapman indicated the City has filled the position vacated by Mr. Chard, and that person will be on board within a few days. He indicated Mr. Mosher has some supervisory responsibilities for other areas than greenway, and from time-to-time, we have had a technician assigned to the greenway area. The comments were received.

ANNEXATION - REPORT REQUESTED

Ms. Block indicated, as the Council recently went on zoning tour, she was impressed with the amount of activity and construction going on around the City in the ETJ area. She questioned when our Annexation Committee is going to give a report and when the City will consider annexation of these areas. City Manager Benton explained the new annexation procedures, pointing out a report will be brought to the Council in November.

ROAD BOND - INFORMATION RECEIVED

Ms. Cates commended Mayor Upchurch for his work and support of the upcoming Road Bond Issue. She indicated the Mayor and Mayor Pro Tem Walters attended the Glenwood CAC meeting recently, and they are the first organization to endorse the Road Bond Issue. Mayor Upchurch indicated the Friends of Roads did retain a consultant and have a "road show." He indicated he and Mr. Walters have made five presentations of this show, and the presentation will be presented to many groups. He indicated he would like to have the support of as many Council Members as possible in putting on the road show. He indicated the slide presentation will be presented to the Council at Thursday's Work Session.

COUNCIL MEMBER BABB - EXCUSED FROM NIGHT PORTION OF THE MEETING

Mayor Upchurch indicated Ms. Babb had stated she could not be at the night session of the meeting, and without objection, she would be excused.

REPORT AND RECOMMENDATION OF CITY CLERK AND TREASURER

MINUTES - SEPTEMBER 4, 1984 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the September 4, 1984 Council Meeting in their Agenda packet. Ms. Cates moved approval of the minutes as presented. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously.

TAXES - REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED; ADMINISTRATION TO PROVIDE REPORT ON ANYTHING OVER $50,000

The City Clerk indicated Council Members received in their Agenda packet three proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. Approval is also recommended for the listings as submitted by the Wake County Tax Supervisor for refunds made during July, 1984, for clerical error purposes.

Mr. Keller moved adoption of the resolutions and listings as presented. His motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 617

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1983	Barbour, Linwood, Jr.	01-2-5217734	$ 14.68	Error - Illegal Bill
1983	Da-Lo Investments	01-1-5239930	1,496.25	Error - Illegal Bill
1983	Finley, George A.	01-2-5056679	73.53	Error - Illegal Bill
1982	Finley, George A.	01-2-5056679	88.13	Error - Illegal Bill
1983	Greene, Bradley Harris	01-2-5415143	37.62	Error - Illegal Bill
1983	Hunter, Tammy Jill	01-2-5766598	39.33	Error - Illegal Bill
1982	Hunter, Tammy Jill	01-2-5766598	44.88	Error - Illegal Bill
1981	Hunter, Tammy Jill	01-2-5766598	35.44	Error - Illegal Bill
1984	McNeil, Gladys	01-2-0046432	18.33	Error - Illegal Bill
1983	Smith, Mary Esther	01-2-5437449	2.83	Error - Illegal Bill

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries

thereon, that such penalties are rebated or refunded by order of the Raleigh City Council.

Adopted: 9/18/84

RESOLUTION NO. (1984) 618

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G.S. 105-331, a ten percent penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the ten percent penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1984	Doris M. Andrews	07-2-0128670	$ 62,810	Relieved
1984	Doris M. Andrews	07-2-5268408	6,302	Relieved
1984	C.I.S. Corporation	01-1-5267532	324,152	Relieved
1984	C.I.S. Corporation	01-7-5267529	156,904	Relieved
1984	Joe B. Campbell Manufacturers Representative, Inc.	07-1-5224541	4,839	Relieved
1984	Willie C. & Virginia M. Cunningham	01-8-5269063	3,458	Relieved
1984	Mary S. Dalgo	01-2-5170939	5,000	Relieved
1984	Swapan Kumar Dey	01-2-5267401	9,810	Relieved
1984	Diconix	13-1-5267507	499,690	Relieved
1984	Ned L. Frazier	01-2-5266779	9,078	Relieved
1984	Nan C. Gause	01-2-5266794	6,690	Relieved
1984	Jamshid G. Goshtasbi	01-2-5266184	2,540	Relieved
1984	Jamshid G. Goshtasbi	01-8-5266181	3,180	Relieved
1984	John C. Hall, Jr. & Edith M.	01-2-5266764	3,210	Relieved
1984	Thomas Y. & Frances C. Hayashi	01-2-5257797	9,053	Relieved
1984	Bao Nguyen Huynh	01-2-5951991	1,470	Relieved
1984	Calvin Nesbitt	01-2-5266770	3,690	Relieved
1984	Timothy A. Policke	01-2-5268382	1,635	Relieved
1984	George Brodgen Spence	01-8-5485747	6,130	Relieved
1984	George Brodgen Spence	01-8-5485749	280	Relieved
1984	George Brodgen Spence	01-8-5485748	3,760	Relieved
1984	James H. Spencer	01-1-5239656	2,744	Relieved
1984	David Alton Stott	13-2-5790631	4,320	Relieved
1984	Jawahar Mahesh Tembulkar	01-2-5266632	1,620	Relieved
1984	Teresa Unwin	01-2-5489313	4,650	Relieved
1984	Peter Vendrillo	01-2-5266647	7,040	Relieved
1984	George Brown & Bertha P. Weir	01-2-0043097	23,998	Relieved

Section 2. That the following requests for relief be denied:

YEAR	TAXPAYER	AMOUNT
1984	Franklin Louis Buchheit	$ 11,610
1984	Crabtree Perry Builders, Inc.	18,676
1984	First National Capital	132,914
1984	Michael Walter & Sara W. Harris	10,139
1984	Income Security Corporation, Inc.	213,184
1984	Pamela Staples Kirks	4,770
1984	L.J.C. Corporation T/A Dunkin' Donuts	66,335
1984	Ronson's Ltd.	176,852
1984	Uninet, Inc.	24,947

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 9/18/84

RESOLUTION NO. (1984) 619

A RESOLUTION APPROVING TAX EXEMPTION AS DESCRIBED

WHEREAS, pursuant to N. C. General Statutes 105-275(10) and (11) and 105-278.3, exemption from taxation was available for the property owners, listed below; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to request relief in a timely manner was excusable;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following be approved for exemption from taxation:

YEAR	TAXPAYER	AMOUNT OF VALUE	RECOMMENDATION
1984	Austin Nichols & Company, Inc.	$164,641	Approved
1984	Ephesus Baptist Church Trustees	24,000	Approved
1984	John N. Wright, Jr., Inc.	1,092	Approved

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 9/18/84

Ms. Block indicated she was concerned about some of the large items covered in the tax reports. The City Clerk explained the procedure of the Tax Committee. Ms. Block indicated on the cases on today's resolutions as well as anything in the future that involves over $50,000, she would like a report. Without objection, this was agreed to.

SURPLUS PROPERTY - SALE OF CITY-OWNED PROPERTY AT 1100-1102 SMITHFIELD STREET - RESOLUTION ADOPTED

During the August 7, 1984, Council Meeting, the City Council authorized the sale of approximately 20,375 square feet of City-owned property at 1100 - 1102 Smithfield Street. Appropriate advertising, etc., has taken place and it is recommended that the City Council adopt a resolution authorizing the sale of the property to the Mt. Calvary Holy Church for $6,300 and that the Mayor be authorized to sign the appropriate deed. Mr. Walters moved the recommendation, as outlined, be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 620

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh has acquired certain real property in lieu of special assessments, said property being described more fully as follows:

Approximately 20,375 square feet of City property at
1100-1102 Smithfield Street

WHEREAS, Mt. Calvary Holy Church has offered to purchase said property for the price of $6,300; and

WHEREAS, Chapter 160A-266 et. seq. of the North Carolina General Statutes permits the City of Raleigh to sell said property subject to upset bid provisions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City of Raleigh will sell the hereinbefore described property to Mt. Calvary Holy Church for the sum of $6,300.

Section 2. That the Mayor be authorized to execute the instrument of conveyance.

Adopted: 9/18/84

ANNEXATION - DURALEIGH ROAD AREA - CLERK DIRECTED TO CHECK SUFFICIENCY AND SET HEARING

The City Clerk indicated she had received a petition for the contiguous annexation of property in the Duraleigh Road area, pointing out the property is owned by the Harlon Group of North Carolina. The Clerk indicated the next step, if the Council so desires, would be to direct the Clerk to check the sufficiency of the petition and, if found sufficient, schedule a public hearing. Ms. Babb moved the Clerk's recommendation, as outlined, be upheld. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:15 p.m. to be reconvened as a joint hearing between the Planning Commission and the City Council at 6:30 p.m.

Gail G. Smith
City Clerk and Treasurer

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